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(12)

From: Stephen Anderson
Sent: Friday, February 20, 2004 11:27 AM
To: Don Johnson; John Murray; Trey Shupert
Cc: Garry Rhodes
Subject: FW: Acton/Kennedy: Proposed Zoning Amendment

Gentlemen:

Below is Frank DiLuna's response indicating that Mr. Kennedy will go along with the proposed amendment which I drafted (copy attached). Please let me know if this proposed amendment is mutually acceptable to the Selectmen and whether the Board will recommend in favor of it at Town Meeting (assuming the Planning Board is also willing to recommend it). Thanks.

ARTICLE __ * AMEND ZONING BYLAW – AGRICULTURAL USE

(Two-thirds vote)

To see if the Town will vote to amend the zoning bylaw as follows:

Amend the first sentence of section 3.2.1. to read as follows:

3.2.1 Agriculture - On a parcel of more than five acres: Agriculture, including the boarding, keeping or raising of livestock; horticulture (including without limitation the growing and keeping of nursery stock and the sale thereof, whether such nursery stock is grown in the ground or in burlap, containers, or other suitable manner, provided it is nourished, maintained and managed while on the premises); floriculture; or viticulture; the use of buildings and structures for the primary purpose of these activities, including the sale of farm products. All of the aforesaid shall be subject to and in conformance with the definitions and requirements for these activities under MGL Ch. 40A, s. 3.

, or take any other action relative thereto.

1. GENERAL LAWS OF MASSACHUSETTS

PART PARTIZMV-RP.

ADMINISTRATION OF THE GOVERNMENT

TITLE VII.

CITIES, TOWNS AND DISTRICTS

CHAPTER 40A. ZONING

Chapter 40A: Section 3 Subjects which zoning may not regulate; exemptions; public hearings; temporary manufactured home residences

Section 3. No zoning ordinance or by-law shall ... prohibit, unreasonably regulate or require a special permit for the use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture; nor prohibit, or unreasonably regulate, or require a special permit for the use, expansion, or reconstruction of existing structures thereon for the primary purpose of agriculture, horticulture, floriculture, or viticulture, including those facilities for the sale of produce, and wine and dairy products, provided that during the months of June, July, August, and September of every year or during the harvest season of the primary crop raised on land of the owner or lessee, the majority of such products for sale, based on either gross sales dollars or volume, have been produced by the owner or lessee of the land on which the facility is located, except that all such activities may be limited to parcels of more than five acres in area not zoned for agriculture, horticulture, floriculture, or viticulture. For such purposes, land divided by a public or private way or a waterway shall be construed as one parcel. No zoning ordinance or by-law shall exempt land or structures from flood plain or wetlands regulations established pursuant to general law. For the purpose of this section, the term horticulture shall include the growing and keeping of nursery stock and the sale thereof. Said nursery stock shall be considered to be produced by the owner or lessee of the land if it is nourished, maintained and managed while on the premises.